WN-Walter Scott, at his residen er Fort Wayne avenue and St. Clair et, at 9:40 p. m., Monday, March 9, fifty-five years. Funeral from the nce of his father-in-law, A. F. Short-137 Bellefontaine street, Thursday ing at 19:30 o'clock. Burial private.

FUNERAL NOTICES. TATE-The funeral of Mr. Warren Tate will take place at his late residence, No. 144 North East street, Friday, March 13, 9 o'clock a. m. Services will be held at St. Joseph's Church. Burial at the Holy Cross Cemetery. Friends invited.

SOCIETY MEETINGS. MASCNIC-Pentalpha Lodge, No. 564, F. A. M. Special meeting in Masonic Temp this (Inursday) evening at 7:30 o'clock for work in the Third Degree. Visitors welcome. GEORGE A. GAY, W. M. WILLIAM H. SMYTHE, Secretary.

FINANCIAL. FINANCIAL-Hambletonian Cigar, 10 cent LOANS-Money on mortgages. SAYLES, 75 East Market street.

LOANS-Sums of \$500 and over. C. E. COFFIN & CO., 90 East Market MONEY-To loan on Indiana farms. Lown. WILLIAMS & CO., Crawfordsville,

MONEY TO LOAN-On farms at the lowest market rate; privileges for payment before due. We also buy municipal bonds. THOS. C. DAY & CO., 72 East Market street, In-

WANTED-MALE HELP. WANTED-An intelligent gentleman salesman for a Chicago house; must not be afraid of hard work. Previous experi-ence not essential. Reference. Apply in Person, H. C. LOGAN, Room 337 Lemcke

WANTED-An idea. Who can think of some simple thing to patent? Protect your ideas; they may bring you wealth. Write JOHN WEDDERBURN & CO., patent attorneys, Washington, D. C., for their \$1,800 prize offer and list of inventions wanted.

WANTED-AGENTS. WANTED-AGENTS-Hembletonian Cigar, WANTED-Country canvassers with horse and buggy. Salary to good men. Address with stamp, CHARLES E. PEARSON & CO., corne. Illinois and Kentucky avenue,

WANTED-Special agents to represent The paid. Address ALEX. HUTHINSON, General Agent, Evansville, Ind.

WANTED-MISCELLANEOUS. the State of Indiana to organize councils of the Knights of Columbia, a fraternal insurance order. Address or apply to JOHN ROTH, secretary, 305 West Washington street, South Bend, Ind.

ANNOUNCEMENTS. ANNOUNCEMENT-How to become lawful sicians. Course by mail. ILL HEALTH

UNIVERSITY, Chicago. GRAND OPENING March 14, 1896. Chicago Shee Co. has moved to 68 East Washington street, three doors west of old stand. Now is the time to buy high-grade footwear at less than cost of manufacture.

CHICAGO SHOE CO.'S big store has re-moved their entire stock to 68 East Wash-ington street, three doors west of old ington street, three doors west of old stand. Will open up Saturday, March 14, 1896. Everybody invited. Their bargain counters are wonders. Come early and get

FOR RENT.

FOR RENT-The new six-story and basement iron, stone and plate glass, swell front building, handsomest, best lighted and located in the State—30x195 feet. Seven floors. Two electric elevators, 7 and 9 East Washington street. C. F. SAYLES.

FOR SALE.

FOR SALE-Hambletonian Cigar, 10 cents. FOR SALE-Entirely new upright mahog-any plano sacrificed for \$175. Call even-ings, 410 North Pennsylvania street. FOR SALE-One 12 Kilowatt com

wound C. & C. generator; new; will be sold at a sacrifice. Call or address INDIAN-APOLIS CABINET WORKS. NOTICE.

NOTICE-Removed-McKernan's Real Es-221 and 226 Lemcke Block.

MISCELLANEOUS.

Pittsburg, Cincinnati, Chicago & Louis Railway Company. PITTSBURG, Pa., March 12, 1896 annual meeting of the stockholders
Pittsburg, Cincinnati, Chicago & St.
Railway Company will be held at
rincipal office of said company, Penn
and Tenth street, Pittsburg, Pa., on
TUESDAY, APRIL 14, 1896,

at 11 o'clock a. m., for the purpose of re-celving the annual report for 1895, the election of three directors to succeed a like number, whose term of service expires on that date, and the transaction of such other business as may properly come before the

The transfer books will be closed on Tues-lay, March 31, and reopened on Wednesday, April 15, 1896. S. B. LIGGETT,

PLAYERS RECENTEY SIGNED.

ball League.

A bulletin from President Johnson, of the Western Baseball League, shows the following players recently signed: Grand Rapids-E. C. Lloyd, Ed Eiteljorg, James Huey and Robert Gilks. Columbus-Thomas Campbell.

Detroit-Henry Smith, Robert Gayle, Charles Newman, John Ely and T. C. Nich-Milwaukee-Fred Hartman, Ed Mezena, tobert Stafford and Kirtley Baker. Kansas City-Nichols and Hatfield. St. Paul-William George, Samuel Mertes, James Barnes, Lou Camp, Wallace Hollings.

worth, John Pickett, Tim O'Rourke, J. E. Johnson, John Glasscock, Edgar Dencer and Henry Spies.
Claimed—By Indianapolis, catcher Otten.
Released—Whitehill, of Detroit.

The Baptists' Resolution. The Baptist Young People's Union is ine with resolutions urging the Mayor to

prevent Sunday baseball

"The Colts" of Lebanon. special to the Indianapolis Journal. LEBANON, Ind., March 11.-The professional baseball players who make Lebanon their home have commenced packing up their bats preparatory to the opening of the Al Orth will pitch for Philadelphia, and, judging from the record he made last year when he won eleven and played one tie game in the twelve he pitched as a member of the Quaker City aggregation, his sucess is assured. A Philadelphia paper prelicts that he will be the star of the major ague this season. Third baseman Robert E. Berryhill will manage the Wilmington (Del.) team in the new Eastern Association. Berryhill led the Virginia State League in batting last year. Second baseman Charles McIntyre and pitcher Cliffton Utter will also wear Wilmington uniforms. McIntyre was laimed by Kansas City, and had an offer from Brooklyn, but Berryhill beat them to him. Frank Ferguson will be with the St. ph Western Association team, while Oldering and Ollie Ellis have signed with cairo, the Illinois State League team. Ed McColley will cover the initial bag at Scran-toa, Pa., and "Dutch" Kraft will play right field for Adrian, Mich. An effort to organ-ize a local team and keep the players in Lebanon proved unsuccessful.

Arrested for Burglary.

The police arrested J. A. Harper and Camron Howerton last night on the charge of hurgiary. Harper was recognized as an old der. It is said that he has twice done time for larceny. It is believed that How-erton and Harper know something about several recent burglaries.

Wenk and Nervous. ALLIANCE, Ind., Feb. 14.-I was weak nd nervous, and tired all the time. I suf-ered with female difficulties and was induced to try Hood's Sarsaparilla, and it gave me relief, and now I have a good ap-petite. I can also say a good word for BELL HEATH.

locd's Pills care all liver ills.

A RATE WAR IMMINENT

TWO LINES DECLINE TO JOIN THE FREIGHT ASSOCIATION.

Big Four to Improve Its Train Service -Original Stockholders of the G. R. & L. Get Nothing.

Neither the Illinois Central nor the Chi cago & Eastern Illinois will become a member of the new Central Traffic Freight Committee, and their refusal practically destroys all hope that the Ohio River Assoclation will amalgamate with the new freight committee. The refusal of the Illinois Central is based on the fact that the majority of the roads in the committee are East and West roads, and that it is a north and south line exclusively. It was not a member of the old Central Traffic Association and it sees no reason why it should become a subscriber to its successor, The action of the Eastern Ilinois in deciding to remain on the outside is governed almost entirely by that of the Illinois Central. It was not much inclined to join the committee under any circumstances, and the action of the Illinois Central settled the matter. As the Eastern Illinois is one of the most important roads in the Ohio river traffic territory it is not now Association roads will consent to have

their traffic matters bound by an agreement while a competitor like the Eastern Illinois is left free to take such action as it likes.
Organization of the new Central Freight
Committee, which is to take the place of the freight department of the old Central Traffic Association, and with the lines of the Chicago and Ohio River Traffic Association as members, was perfected in Chi-cago yesterday. The new committee will come into official existence on the first day of the coming month, with J. F. Tucker, now chairman of the Chicago and Ohlo River Traffic Association, as its governing head, with the title of commissioner. Late in the day the Ohio river committee brought with it a resolution setting forth that the lines of its organization would consent to become members of the proposed new com-mittee only on condition that they should comprise a separate and auxiliary commit tee, the province of which should be the exclusive control of all matter relating to Mutual Life Insurance Company of New Ochosive control of the Matter Felling to York in territory east and southeast of Characteristics. The Ohio river Interest that they were willing that matters were will affecting both Southern and Eastern lines should be passed upon by the entire membership, but were not willing that the East ern men, who could have little interest i Southern business, should have a voice in controlling that traffic. The general meet-ing was then called and the organization perfected on the lines indicated.

> The Sale of the G. R. & I. The Grand Rapids & Indiana will soon become a full fledged Pennsylvania line. The Pennsylvania for some years has been tightening its hold on the road by loaning it money for improvements, keeping up its interest, etc. Now it is to be sold and the Pennsylvania, being its largest creditor, will without doubt bid in the property. The Fort Wayne Gazette says: "The sale of the Grand Rapids & Indiana road to satisfy first and second mortagages, of which the Pennsylvania Company owns 90 per cent will be a calamity to more interests than one. Fort Wayne held \$100,000 stock in the road, which will, m all probability, be ut terly worthless after April 27, the date of the sale. This stock was issued to the city in payment for money advanced for the construction of the road. It was then hought that the stock would some day worth at least 50 cents on the dollar but when the company began to fall behind with its interests and mortgages were placed upon the road and the rolling stock until they covered the value of the property two fold, then our citizens began to realize holdings were not of much value. However, the road has been and is still a great benefit to Fort Wayne and our people feel that they have been well paid for the investment, even if their stock is worthless.

The road will pass into the hands of the Pennsylvania Company and will be operated by them." New Fast Train on the Big Four. The management of the Big Four is well satisfied with the increase of passenger establishment of the Knickerbocker special that a new schedule has been prepared for the St. Louis division, which will provide a fast train leaving St. Louis at 8 a. m. and arriving at Indianapolis about 2:30 or 2:45 p. m. This train will have Cincinnati connection, arriving at that point about 6 b. m. The new train will probably be known as No. 12, as it will make connection with the Chicago division train of that number. Instead of Train 8 on the St. Louis division, a local train will be scheduled to leave St. Louis about 7 or 7:30 a. m., running to Mattoon and making all intermediate stops from Mattoon a local train will be scheduled into Indianapolls in the afternoon at convenient hour. Corresponding west-bound service will be arranged. The result of the new schedule will be to provide an entirely new fast train between St. Louis and Indianapolis, with Cincinnati connection, while the local business will be amply protected on each end by short trains running to and

from Mattoon. Cut Rates Met. Both the Atchison and the Denver & Rio Grande have met the cuts made by the Union Pacific, Denver & Gulf to all Colorado common points. The action of the Denver & Gulf was a surprise to the other roads, as, after the last reduction, rates were restored at the especial request that line, and it was forced to take all Its tickets off the market at a loss of con siderable money. Just why it should repeat the action is not clearly understood here. Reports are being made to the Western assenger Association that the market in Denver is in a condition far from satisfactory. The brokers are said to be liberally supplied with tickets of various kinds, with which they are cutting the rates from \$2 to \$5. Numerous calls for redemption are being made on the roads.

Superinted 'ent Gould's Vacation. Superkitendent E. A. Gould, of the Wa bash railroad, left Wabash yesterday for Thomasville, Ga., with his wife, His health has been bad for several months, but he now improving and was able to be out yesterday for the first time. He will remain in the pine woods of Georgia until he is thoroughly recovered and his duties will be looked after in his absence by Master of Transportation Shaw Stevens and Chief Disatcher James Sullivan.

Personal, Local and General Notes. The Pennsylvania has ordered five hundred gondola hopper cars built at the Altoona

The Central Association of Railway Officials at Louisville has passed out of ex T. W. Gallagher has been appointed divi-sion freight agent of the Baltimore & Ohio at Pittsburg, to succeed C. S. Wight, pro-

S. M. Cherrington, for twenty years agent

of the Adams Express Company at Gallipolis, O., has resigned and is succeeded by Henry House. H. W. Jackson, formerly commercial agent of the Chicago & Rock Island at Pueblo, has been appointed district freight agent of the road for Illinois.

The chief engineer of the Panhandle lines has completed the plans for the new freight depot at Columbus, O. The building will be 637 feet long by 237 wide.

The Pennsylvania's second Golden Gate special will pass through here on Saturday morning; west from St. Louis it will go via the Missouri Pacific. The New York Central lines earned in February \$3,206,640, an increase over February, 1895, of \$229,952. Since July the increase over the preceding year is \$2,416,560.

Travel to Hot Springs, Ark., this spring is the largest ever known. Nightly the Iron Mountain is obliged to haul extra sleeping cars to accommodate the rush. R. Hoffman, chief florist of the Lake Shore road, has been arrested on the charge of embezzlement in converting plants, etc., longing to the company to his own use. The Indiana Car Service Association handled in February 15,403 cars, and demmurage charges were the smallest in any nonth since the association was organized

C. C. Gridley, general agent of the Colum-bus & Hocking Valley, who was buried at Toledo yesterday, regun his railroad career as a clerk in the Pennsylvania offices at The oculist of the Big Four road and Assistant Superintendent Reynolds, of the Chicago division, were at this point yesterday testing the yardmen of the Big Four as to eyesight and hearing.

signed to engage in private business. Some years ago he was promoted from passenger conductor to the position he now vacates. It is stated that the position of general freight agent on the Lake Shore and on the Michigan Central has been abolished, the duties of the office to be looked after by the recently appointed traffic managers. Instructions have been issued on the Panhandle that hereafter when passengers are to be transferred at terminals both the conductor and head brakeman will be held responsible that the transfer is properly made. C. S. Wight, general freight agent of the Baltimore & Ohio, who has been promoted to freight traffic manager of the lines, began his rallroad career in 1866 as a messenger boy in the offices of the Little Miami at Cincin-

A. S. Weisenher, who last week resigned as traveling freight agent of the Norfolk & Western, has been appointed general freight and passenger agent of the Chesapeake & Western, with headquarters at Harrison-

The new management of the Baltimore & Ohio has commenced cutting down expenses. Orders have been issued that all copiers at the telegraph offices should be dispensed with and the train dispatchers do their own copying of messages. The Big Four in February handled at Louisville 1,056 loaded freight cars and 446 passenger coaches. One of the prettiest runs in this State is from North Vernon to Louis-

ville, the Big Four trains covering the fiftyfive miles without a stop. Edward Huff, a conductor on the Chicago & Alton, who last week lost both legs by a car running over them, died from the injuries and was buried at Urbana, Ill. He was for many years a conductor on the Big Four between Indianapolis and St.

The Central Traffic Association has ex-tended to Commissioner Blanchard, of the Joint Traffic Association, a mark of appreclation of his past service by presenting him with a handsome mahogany desk and chair which he occupied as Central Traffic com-

Yesterday the Chicago & Eastern Illinois cased to honor commercial mileage of the Big Four or the Evansville & Terre Haute he must not be in default. Under the byfor passage; neither will their mileage books be good except on the Evansville & Terre good deal of talk.

that in freight traffic the Chicago & Rock

Island is doing much better than a few months ago, and, all things considered, as much as the freight officials had looked for in Jauary, February and March. J. G. Watson, division superintendent of the West Shore, whose death was announced yesterday, was one of the original founders of the Railway Equipment Guide, which has become so indispensable to railway operations. At the time of his death he If these plaintiffs have forfeited their was the largest stockholder in the Guide. stock, it is clear to my mind that they attend the annual meeting of the stock-holders, taking with them the report of e late President, C. C. Waite, which had just completed when taken fatally ill. Charles F. Mayer, late president of the Baltimore & Ohio Railway Company, yester-day resigned as a director of the Western Union Telegraph Company. John K. Cowen, president, and one of the receivers of the Baltimore & Ohio, was elected a director of the Western Union Telegraph Company in

Mr. Mayer's place. Charles Neilson, formerly general super-intendent of the Cincinnati, Hamilton & Dayton, now Assistant Postmaster-general, it is stated, was so confident that he would be appointed general manager of transpor-tation of the Baltimore & Ohio road, a position which fell to Wm. Green, that he had promised some of his friends a posi-

Directors of the St. Louis Terminal Railroad Association met yesterday and elected the following officers for the ensuing year: President, Julius S. Walsh; vice president, and general manager, E. P. Bryan; secretary and asistant treasurer, James Hanna; treasurer in New York, A. H. Calef. Ex-ecutive committee, W. B. Doddridge, of the Missouri Pacific, and Iron Mountain; Joseph Ramsey, jr., of the Wabash, and W. W.

The Big Four in the fourth week of February earned \$333,428, an increase over the the three previous weeks of the month. The lines earned in February \$972,052, against \$970,431 in February, 1895, and against \$876,293 n 1894. Since January 1 the Big Four lines proper have earned \$9,457,268, an increase over the corresponding seven months of the revious year of \$402,405.

M. D. Woodford, president, and G. C. Waldo, general manager of the Cincinnati familton & Dayton lines, will shortly visit Indianapolis, take up the new city freight depot question and take some definite action. It is believed that the present Board of Public Works will treat the matter with more consideration for the wishes of the officials of the road than have former boards, The company is now at great disadvantage ere in the way of handling its local busi-

Chicago Board of Trade shippers are conering the advisability of organizing with a view of compelling the Joint Traffic Association to place an additional commissioner with headquarters at Chicago. The board of managers have as yet paid no attention to the personal request of some of the leading shippers that a representative of the associa-tion be located at Chicage, and there is a good deal of feeling developing against the association for lack of courtesy on the part of the board of managers.

General passenger agents of the following outhern and Southeastern lines met at St. Louis yesterday, pursuant to a call, and organized the Ohio and Mississippi Valley Passenger Rate committee for the purpose of maintaining rates and securing uniformity of action in the conduct of passenger business: The Mobile & Ohio; the Nashville, Chattanooga & St. Louis; the Louisville & Nashville; the Southern; the Queen & Cres-cent; the New Orleans & Northeastern; the Memphis & Charleston; the Kansas City, Memphis & Birmingham and the Chesapeake & Ohio Southwestern.

GERMAN MUTUAL REORGANIZED.

Theodore Stein Elected President and Lorenz Schmidt Secretary.

The German Mutual Insurance Company vesterday became the German Fire Insurance Company, with Theodore Stein president, and Lorenz Schmidt, secretary. There were about thirty stock holders present, but the Stein-Schmidt combination had secured enough stock to be able to cast the deciding vote on all questions. Each share was entitled to one vote and the combination had more than one thousand of the two thousand

Those opposed to the reorganization were represented at the meeting by Louis Newerger, but he saw no chance to do anything to prevent the consummation of the plans, for Messrs. Stein and Schmidt had everything in their own hands. The other side was represented by Smiley N. Chambers. The directors are the two officers named and Frederick Schrader, William F. Kuhn, Theodore Reyer, Fred A. Mueller, William Kohlstaedt, William Wilkins and John W.

CITY NEWS NOTES.

Hollweg & Reese paid \$305.70 duty yesterday on forty-one crates of plain and dec-orated English earthenware. There will be a meeting of the ladies at Friends' Church, corner Alabama street and Home avenue, Thursday at 2:30 p. m. It was Andrew A., and not Andrew J. Buchanan, who died a few days ago on Fletcher avenue. There is also an Andrew J. Buchanan on Fletcher avenue. The dead man a brother of the late Capt. James M. Buchanan and Joseph W. Buchanan, of this

Terre Haute asking for information con-cerning her husband, who, she says, disap-peared from here Feb. 4 and is supposed to be in that city. Mr. Loucks left home while affering from a temporary mental trouble The adjourned "Washington Night" exer-Washington Circle to-morrow night. The committee appointed to prepare a public statement of the complaint of Lillian Thomas-Fox against the Big Four Railroad Company, on account of indignities while she was en route to Atlanta from this city, Washington Circle to-morrow night.

Mrs. Joseph Loucks, of No. 370 Cornell ave-

me, has written to the chief of police of

will make a report. Brooklyn Wants to Bowl. The Brooklyn club, of the Interstate League of Bowlers, leave there March 23 for a tour through the West, playing in Goshen. N. Y., March 23; Buffalo, N. Y., March 24, 25 and 26; Wheeling, W. Va., March 27 and 28; Cincinnati, O., March 29 and 30; Chicago, Ill., March 31, April 1 and 2. Samuel Karpf, the manager, would be pleased to arrange with one or two of the leading clubs in Indianapolis for a one-night series of games at ten pins while the Brooklyn club is on its way home. Should any club or bowlers deto meet the Brooklynites negotiations

must be begun at once, as the time is very short. Mr. Karpf's address is 93 Park Row, New York city. Tested by Time.

THROWNOUTOFCOURT

CASE AGAINST NO. 4 FIDELITY BUILDING AND SAVINGS UNION.

Friendly Suit Brought to Construe a Paragraph of the English WIII.

Judge Brown, of the Circuit Court, has ruled against the plaintiffs in the suit of Minerva D. Vermilyea and others against No. 4 Fidelity Building and Savings Union. The suit was brought to have a receiver appointed for the company. The court's ruling practically throws the case out of court. The defendants filed a demurrer insisting that the complaint did not show that the plaintiffs had a standing in court that would enable them to ask for a receiver; that they had borrowed from the association all they could under the bylaws and were not in a position to apply to the court. Judge Brown holds that a borrowing member has as much interest in the association, even though he borrowed to the full amount of his stock/ as a nonborrowing member. While he has got all the money that he is entitled to, he has mortgaged his property to secure the payment and is replacing the borrowed fund. duct and welfare of the association as if he had not drawn out a cent.

"While this is true," said the court, in sustaining the demurrer, "it is clear that in order that he may have standing in court, laws set out, if a shareholder does not pay his weekly dues for a period of ninety days, the stock may be declared forfeited, and R. B. Jones, general agent of the Chicago if a borrowing member does not pay his Rock Island, is in the city. He states interest for ninety days his stock may be interest for ninety days, his stock may be forfeited; that is the company has a right to close the whole account as between the parties under the bylaws, and it seems to me that before the plaintiff can make a good complaint he must in his complaint negative any possibility that he is in de-fault. The plaintiff can have no standing in a court of equity unless he has done that. W. A. Mills, general manager, and C. O. would have no right to apply to the court for a receiver. Under the bylaws their can present a good claim, they must state that they are not in any way in default and that they are paying their dues and keeping up their shares. If the complaint contained such a statement as that, a lifferent question would have been presented to the court, because the borrowing nember has as much right to question the management and apply to the court for a receiver as a nonborrowing member or as a creditor, but before he can do that he must show by his complaint that he is entitled to some interest or that he has some interest in the fund for which he asks the court to appoint a receiver. This complaint does not show that, but it shows that the complainants have each taken out twelve shares of stock and that they have each paid \$150, but the complaint not show when this was done. It may have been done eight or ten months as far as anything is shown here, and the stock may all be forfeited however, the complaint had stated that they were not in default and were paying their weekly dues, then it would show to the court that the plaintiffs had an interest in the controversy and that they had a right to ask of the management that a proper accounting be made and that proper action be taken for their interests and for the interests of any one else. A court to appoint a receiver, and on account of the allegation of their interest being as it is it seems to the court that the plaintiffs are in no better position than a stranger. The demurrer carried back to the int is sustained and an exception

HIS RANCHES A MYTH.

Alpharetta McCurdy Was Attracted to Jacob B. Young's Alleged Wealth. When Miss Alpharetta McCurdy awarded her hand and heart to the keeping of Jacob B. Young two years ago it was the proudest day of her life. She had no other idea than that she was becoming the wife of a veritable "ranch king." These hopes of a rosy future paved with wealth were speedily dissipated, however, and now a decree of divorce is sought. The complaint was filed in the Superior Court yesterday by Mrs. Young. She has been the victim of a cruel deception, she claims, and wants to be released from the man who was guilty of the gigantic fraud alleged. Dec. 2, 1894 the plaintiff and the defendant were married. They separated April 1, 1895, and since then their paths have not crossed. Mrs. Young admits that she was induced to be-come the wife of the defendant because of his glowing representations concerning his financial affairs. She believed that he was fabulously wealthy. He told her, she says, that he owned ranches and farms in Colorado and other States, and valuable rental property in the city of Denver. She and Young were married, and then came despair. She shortly found out, she says, that her husband, instead of being all that he had represented, was penniless. He had to depend upon his wife and his mother-inaw for a living, and the plaintiff alleges that she was compelled to go out and work as a servant in order to support her hus-band. He would take her earnings, she charges, and spend them for whisky, and shortly after their marriage he became a gage for \$82,934.45 to Lewis Wallace, jr., as was ill and required attention, and on some

UNDER "SPECIAL VERDICT" LAW. The Judge Decided in Favor of the

occasions would curse her and humiliate her

in the presence of her friends. Occasion-

ally, she avers, he kicked and beat her and

offered other indignities. She prays for the

restoration of her maiden name in addition

Street-Car Company. Judge Bartholomew made a decision yesterday under the new "special verdict" law preme Court. It was in the damage suit of Alexander Thompson, who sued for the loss of services of his son, Frank Thompson, a minor. Young Thompson was employed by the Citizens' Street-railroad Company, tending switches at Pennsylvania and Washington streets. While engaged in performing his duties he was struck by a trailer and permanently injured. The case was tried in Room 3, Superior Court, by jury, a verdict being reached yesterday. During the trial it was sworn that Alexander Thompson was divorced from his wife several years ago, and the mother was given the custody of the child, Frank. Mrs. Thompson died two or three years ago. The jury found a special verdict for \$1,500, which the court at once awarded to the defendant. He held that as the guardianship of the boy had been vested in the mother the father had no right to claim his services. When the mother died the poy had a right to choose a guardian, but he had not done so, and the court had failed appoint a guardian. Young Thompson has a suit pending against the company on his own account, but this will not be affected by Judge Bartholomew's decision. The attorneys in the case served notice on the court that an appeal would be taken.

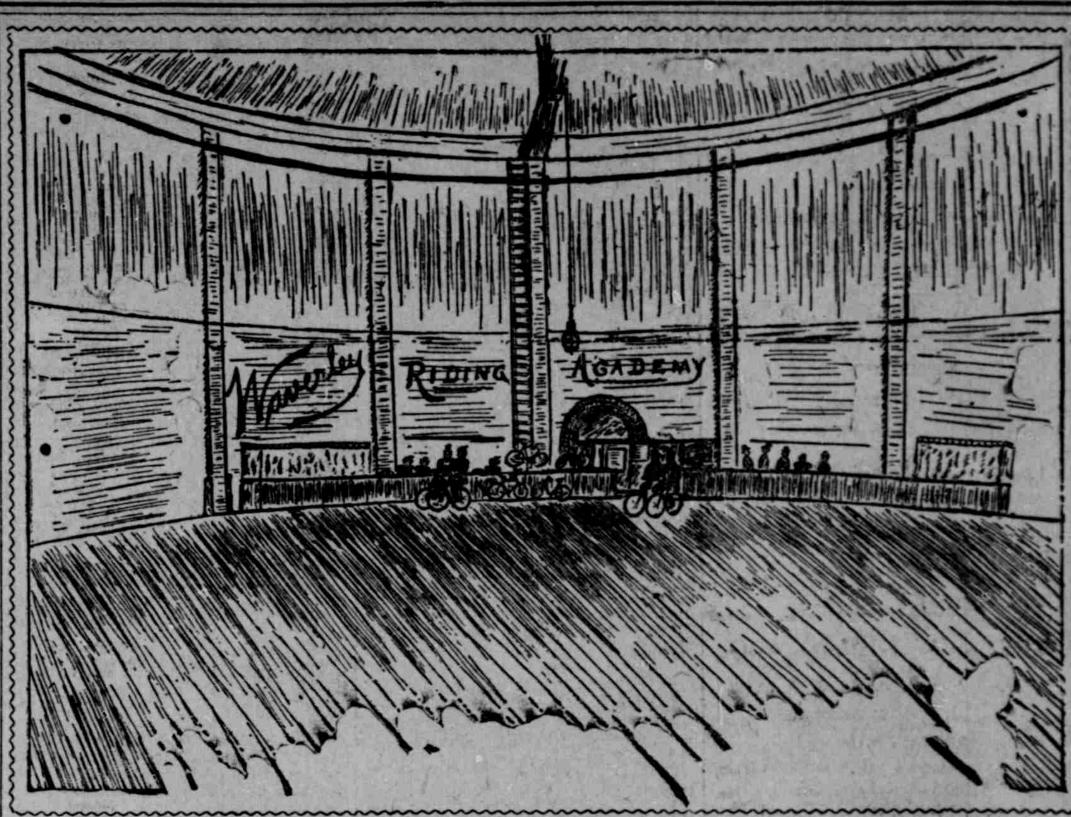
TO CONSTRUE THE ENGLISH WILL Friendly Suit Filed on Account of Confusing Paragraph.

A friendly suit was filed in the Circuit Court yesterday by the heirs of the late William H. English. The title of the suit is William English Walling, Willoughby George Walling, by Willoughby Walling, their next friend, and Willoughby Walling. guardian of William English Walling and Willoughby George Walling, against William E. English and Rosalinda English Walling, executor and executrix of the estate of William H. English. The suit is for the construction of the will left by Mr. English. The confusing paragraph of the will

reads:

"The eighth of my estate bequeathed to my grandson. William English Walling. and the eighth of my estate bequeathed to Willoughby George Walling, are to be paid to my said grandsons, with the earnings and accretions therefrom, as they shall each arrive at the age of twenty-one years, but each shall be supported and educated out of the same before that time. I mean that this eighth shall be set off to each."

The suit is for the purpose of determining the exact meaning of this paragraph of the will before the property is turned over



WAVERLEY RIDING ACADEMY

The Beginner requires plenty of room to learn to ride properly. Our Academy affords every opportunity for learning. being by far the largest in the city, having nearly 15,000 square feet of clear floor space-no obstructions whatever. Patrons are given every assistance possible by competent and courteous instructors. Purchasers taught free. Others 50 cents per lesson, six tickets for \$2.00, the expense of lessons being rebated to purchasers of . . .

werley. America's Favorites

The most popular in Indianapolis, evidenced by the fact that there are more of them in use here than any two other highgrade makes combined. They are built in the largest and best equipped factory on earth, hence it is easy to under stand our ability to supply BETTER Bicycles for LESS money than other makers can afford to market an inferior production. Indianapolis people are showing their good judgment and appreciation of our efforts by purchasing 1896 Waverteys in numbers that surprise us. It is truly said MERIT HAS WON.

To those who are not prepared to pay cash we offer the exceptionally easy terms of \$5.00 down and \$2.00 per week. Call and see us and let us talk the matter over.

RETAIL STORE. Pennsylvania and Ohio Sts.

The matter was brought into court at the suggestion of Probate Commissioner O'Bry-

NOW IN SUPREME COURT.

LEAD THE WORLD!

Appeal in the Apportionment Case Filed Yesterday. The record in the apportionment case, ommenced in the Marion County Superior Court, in the name of Dr. A. W. Brayton, set aside the apportionment of 1885, was filed in the Supreme Court yesterday. case was originally brought in Judge Master's court, where the demurrer of the defendants, the Marion county officials, was overruled. There will probably be a motion made at an early date to advance the hearing of the case, as the Republican State committee, under whose direction the case was commenced, expects a decision within five or six weeks.

Judgment Against Gaston Reversed. The decision of the Marion county Superior Court, by which Maud Bailey received \$1,000 for injuries received by falling in a coal hole connected with the property of John M. Gaston, was reversed by the Appellate Court yesterday. The plaintiff met the ac-cident in front of the Halcyon Block, owned by Mr. Gaston, and she alleged her injuries to be the result of negligence on the part of Mr. Gaston. Judge Ross writes the decision, which reverses the finding of the lower court, and he does so for the reason that it was not shown that Mr. Gaston placed the coal hole on the sidewalk and that it was used for his benefit.

A Mortgage for Over \$82,934. The Model Clothing Company yesterday filed with the county auditor a chattel mortdrunkard. She also charges that he was trustee for the benefit of creditors. Among cruel to her. He neglected her when she the preferred creditors is the Indiana Nagating \$23,500. The firm of Rotschild, Haum & Stern, part owners of the Model, filed a general assignment in Rochester, N. esterday, showing their liabilities to 400,000. The embarrassment, it is said, was caused by a recent investment in a large re-tail store in Chicago. The business here will be continued by the trustee.

THE COURT RECORD. Supreme Court 17505. Loesch vs. Koehler. Allen S. etition for rehearing overruled. Hackney, C. J.-In an action to recover for the value of two horses, after a witness testifies that he is familiar with the price of horses, it is not error to allow him to testify as to the value of the horses as "brick-yard horses," the business in which they were used. 17479. Janagin vs. Covault. Blackford C. Affirmed. Howard, J.-1. Where it is ight to enjoin the enforcement of a judgment by execution, it constitutes a collateral attack upon the judgment, and cannot be maintained on account of irregularities, but it can only be maintained by showing that the judgment is void. 2. A commission drainage is under the direction of the court. by whom he may be ordered to properly perform his work, and in a foreclosure of a lien created by the assessment for the drainage the defendant cannot answer that the work was not properly done.

17480. Wilcoxon vs. Covault. Blackford C.
C. Affirmed. Howard, J.—This case is affirmed on the authority of No. 17479.

17481. Klugh vs. Covault. Blackford C. C. Affirmed. Howard, J.—This case is affirmed on the authority of No. 17479. 17482. Barnes vs. Covault. Blackford C. C. Affirmed. Howard, J.-Affirmed on the authority of No. 17479. 17483. Vance vs. Covault. Blackford C. C. Affirmed. Howard, J.—The questions in this case are the same as those decided in No.

17484. Davis vs. Covault. Blackford C. C. Affirmed. Howard. J.-Affirmed on the authority of No. 17179, the questions being the Lock vs. Covault. Blackford C. C. Affirmed. Howard, J.—Affirmed on the hority of No. 17479. 17486, Constant vs. Covault, Blackford C. C. Affirmed. Howard, J.-Affirmed on the authority of 17479. 17487. Wilson vs. Covault. Blackford C. C. Affirmed. Howard, J.—The questions in this case are the same as those decided in

Appellate Court.

of Commisioners let a contract for the con-

Lane vs. State ex rel. Taylor. Clay Affirmed. Lotz, J.-Where the Board

struction of a gravel road, and the con-tractor gave a bond under the act of 1877. 5095, it is one given to secure the performance of a public work, governed by the act of 1885, Section 5592, R. S. 1894, and Section 5593 authorizes laborers or material nen or persons furnishing board for the contractors to maintain an action upon the bond furnished by the contractor after mak-ing demand therefor, or the action may be maintained by the superintendent for such maintained by the superintendent for such amounts due the laborers, etc.

1496. Sweet vs. Campbell. Lake C. C. Affirmed. Davis, J.—The fact that a merchant's liabilities exceed his assets is not sufficient of itself to justify an inference that he intends at the time of a purchase of goods not to pay for them, nor because he is reckless or extravagant sufficient to authorize an inference that he purchased goods with a fraudulent intent.

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AND COTTAGES. W. G. DOOLITTLE, Manager versed. Ross, J.-1. In an action brought by a person who fell through a coal hole in a sidewalk, and thereby received the injury complained of, for which he seeks damages from the owner of the property, the finding should show that the defendant placed the

coal hole in the sidewalk, or that he knew of its defective condition. 2. A finding that a person used due diligence is an inference to be drawn from the facts found. Superior Court. Room 1-John L. McMaster, Judge. E. Chubb Fuller vs. James A. Everett; contract. Judgment for plaintiff for \$50.

Henry Maag vs. William L. Harper et al. foreclosure. Dismissed and costs paid.

Room 2-Lawson M. Harvey, Judge. Winfield S. Frazier vs. Charles H. Black et al; foreclose mechanic's lien. Finding and judgment against defendants for \$35.60. William C. Allen vs. Joseph Davis; to foreclose improvement lien. Dismissed by Henry Maag vs. William L. Harper foreclose Barrett law bond. Dismissed by

Room 3-Pliny W. Bartholomew, Judge. Laura F. Fausset vs. Charles E. Fausset set aside judgment. Dismissed at plaint Alexander N. Clark vs. Benjamin L. Cline; note. Finding and judgment for plaintiff for \$226.16. Alexander W. Thompson vs. Citizens Street-railroad Company: damages. Jury re rogatories. Judgment on special verdict for defendant. Bertha M. Weir vs. Robert M. Weir et al.; support. P., C., C. & St. L. Railroad Com-pany ordered to pay \$67.95. Guarantee Saving and Loan Association vs. Joeanna Stevenson et al.; foreclosure

Dismissed and costs paid. Circuit Court. Edgar A. Brown, Judge. Minerva D. Vermilyea et al. vs. No. 4 Fidelity Building and Savings Union; demur rer to complaint sustained

New Suits Filed. Alpharetta Young vs. Jacob B. Young; suit for divorce. Superior Court, Room J. Venning P. Evans vs. Capitol City Dairy Company: complaint in attachment. Superior Court, Room 1. Philip Butch vs. The Wrought Iron Bridg ompany; damages, Superior Court, Room, Eagan Tailoring Company vs. Horace I

bern; suit on note. Superior Court, Room 2. Coffee clogs many livers. Postum Cereal

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